

## CONSENT FOR ACCESS TO PROPERTY

Name: Midwest Generation, LLC

Title: Managing Director

Address of Properties: 1111 W. Cermak, Chicago, IL and 3501 S. Pulaski, Chicago, IL

Midwest Generation, LLC ("Midwest Generation") consents, and the United States Environmental Protection Agency ("U.S. EPA") agrees, to officers, employees, contractors, and authorized representatives of U.S. EPA entering and having access to the Properties identified above beginning in November of 2012 and ending in February of 2013 for the activities identified below and for no other purpose:

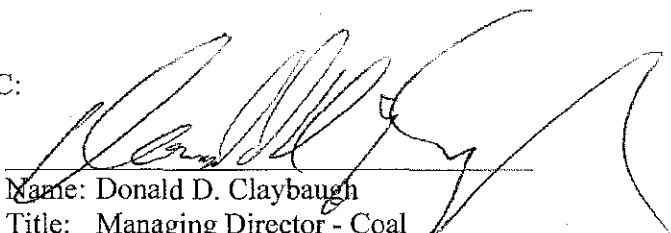
- Allowing vehicle, equipment and crew member access for air monitoring activities.
- Conducting air monitoring activities.
- Surveying and documenting site conditions and site work activities in the vicinity of air monitoring activities.

Such access will be subject to the following terms and conditions:

1. U.S. EPA agrees to notify Midwest Generation's on-site security personnel prior to entry onto the Property for any activities anticipated by this Consent.
2. The activities shall be performed by U.S. EPA in a manner to minimize environmental and other damage to the Property. Trash and other debris resulting from the activities shall be removed by U.S. EPA.
3. U.S. EPA shall be responsible for any security required for its property and activities on the Property pursuant to this Consent. Midwest Generation will not provide any security for U.S. EPA's property pursuant to this Consent.
4. U.S. EPA has examined the Property and is aware of its condition, and accepts and acknowledges that access may involve some personal risk. U.S. EPA hereby accepts the condition of the Property in its **AS-IS, WHERE-IS CONDITION, WITH ALL FAULTS**. No representations as to the condition, repair or compliance thereof with any laws, and no agreements to make any alterations, repairs or improvements in or about the Property have been made by or on behalf of Midwest Generation under this Consent.
5. U.S. EPA agrees to make available to Midwest Generation the results of the activities, as well as any other information obtained or test results related to the Property.
6. Midwest Generation acknowledges that these actions taken by U.S. EPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601-9601-9675 (1997).
7. This Consent is given voluntarily, on behalf of Midwest Generation, with knowledge of the right to refuse and without threats or promises of any kind.

For Midwest Generation, LLC:

11/30/2012  
Date

  
Name: Donald D. Claybaugh  
Title: Managing Director - Coal